

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1677.01
COMPLAINT INVESTIGATOR: Sandie Scudder
DATE OF COMPLAINT: January 23, 2001
DATE OF REPORT: March 5, 2001
REQUEST FOR RECONSIDERATION: yes (revisions to original report are underscored)
DATE OF CLOSURE: April 3, 2001

COMPLAINT ISSUES:

Whether the Carmel Clay Schools and the Hamilton-Boone-Madison Special Education Cooperative violated:

- 511 IAC 7-25-2 with regard to the school's alleged failure to identify and evaluate a student who may need special education and related services.

During the course of the investigation, an additional issue was identified, which is:

- 511 IAC 7-27-11(b)(2) with regard to the school's alleged failure to provide homebound instruction for a chronically ill student whose physician provided a written statement that he would be absent for at least 20 instructional days during the school year.

FINDINGS OF FACT:

1. The student ("Student") is 20 years old and has been determined ineligible for special education services. The Student receives support through a Section 504 Plan.
2. The Student was referred for an initial evaluation on November 12, 1998. An evaluation was conducted, and the CCC convened on February 1, 1999. The CCC determined the student did not qualify for special education services. The parent signed the CCC Report indicating agreement with the CCC's determination. Although the parents assert they disagreed with the CCC determination, they did not pursue mediation or a due process hearing to resolve the disagreement.
3. On August 29, 2000, the Complainants gave the School a physician's statement that states the Student "may miss 0-to all school days due to asthma". The School indicated the Complainants will not allow communication with the family physician. However, the Complainants e-mailed the school corporation's director of special education ("local director") on November 17, 2000, stating that they were willing to provide a release for written information, but declined to provide a release for verbal communication to occur. On December 4, 2000, the complainant sent an e-mail to the local director advising that he had the release ready to deliver to her and advised that the school's letter to the physician would need to be attached to the release as a condition of the release. On December 11, 2001, the local director sent an e-mail to the complainant of the text of the letter that the school expected to send to the Student's physician. Neither the complainant nor the school provided any documentation of action taken to obtain additional medical information subsequent to December 11, 2001.
4. As part of the complainants' request for reconsideration, a statement from the Student's physician, dated March 12, 2001, was included. The new statement indicates the student misses an average

of 30 days per year. There is no indication that the complainants have provided the new statement to the school.

CONCLUSIONS:

1. Finding of Fact #2 indicates that correct procedures were followed in identifying and evaluating a student who may need special education and related services. Therefore, no violation of 511 IAC 7-25-2 is found.
2. Finding of Fact #3 indicates the physician's statement, issued in August 2000, stated the Student might not miss any days of school as the result of his medical condition. Although there is documentation that the school and the complainant made some effort to obtain more information about the Student's medical condition, these efforts did not result in any new or additional information being obtained. 511 IAC 7-27-11(b)(2) requires that the physician's statement indicate the student's condition will require the student to miss at least 20 instructional days during the school year. Therefore, no violation of 511 IAC 7-27-11(b)(2) occurred with respect to the August 2000 physician's statement. Finding of Fact #4 reflects that the physician issued a new statement on March 12, 2001, indicating that the Student misses an average of 30 instructional days per school year. The Division will provide a copy of the new statement to the School for action in accordance with Article 7.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.